

PLANNING COMMISSION MINUTES

March 20, 2012

6:45 p.m.

Present: Chairman Tom Smith, Vice-Chairman Dave Badham, Sean Monson, David Patton, Michael Allen, City Council Representative Beth Holbrook, City Manager/City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: Von Hill.

Due to the number of participants, the Planning Commission meeting was moved into the City Council Chambers.

Chairman Tom Smith welcomed all those present.

Michael Allen made a motion to approve the minutes for March 6, 2012 as written. Dave Badham seconded the motion and voting was unanimous in favor.

1. Closed session to discuss pending or reasonably imminent litigation, per Utah Code 52-4-205 (1) (c).

Russell Mahan suggested that the Planning Commission make a motion to adjourn to a closed session, in the Planning Commission Conference room, to discuss pending or reasonably imminent litigation.

Sean Monson made a motion for the Planning Commission members to adjourn for a closed session in the Planning Commission Conference room. David Patton seconded the motion and voting was unanimous in favor.

Time adjourned at 7:04 p.m.

Attendance at the Closed Session was as follows:

City Manager/Attorney Russell Mahan
City Council Representative Beth Holbrook
Chairman Tom Smith
Vice-Chairman Dave Badham
Sean Monson
David Patton
Michael Allen
City Engineer Paul Rowland
Planning Director Aric Jensen
Recording Secretary Connie Feil

Closed session adjourned at 7:09 p.m. and the Commission returned to the City Council Chambers.

Planning Commission reconvened at 7:11 p.m.

2. Consider final site plan approval for Orchard Pines Commercial Phase 3, 2200 S. Orchard, Brian Knowlton, applicant.

Chairman Tom Smith recused himself from this item (Smith Hyatt Architects are the architects for this project). Brian Knowlton, applicant, was present.

Aric Jensen explained that Mr. Knowlton is requesting final site plan approval for a commercial/residential mixed-use building in the partially completed Orchard Pines mixed-use development. The major site infrastructure has already been approved and installed, and this approval is just for the proposed building and the sidewalk and other improvements immediately adjacent to the building. This project was originally approved by Ordinance 2007-03, which allows a maximum of 52 units within this development. In addition to this building, 47 townhouse-style residential dwellings have been approved for this project.

Mr. Knowlton is proposing a three-story building with commercial/office uses on the lower two levels, and four flat-style residential units on the third floor. The lower level is at grade with the west side parking, while the second level is a half-story higher than the east side parking. The residential units are accessed from the east side, where there are four stalls of covered, reserved parking, as required by Ordinance.

Staff recommends final site plan approval for a mixed-use building at 2155 South Orchard Drive, with the condition that all redline corrections are made.

Brian Knowlton didn't have any further comments.

Beth Holbrook made a motion to recommend to the City Council final site plan approval for Orchard Pines Commercial Phase 3 located at 2155 S. Orchard Dr. subject to the recommendations from Staff. Sean Monson seconded the motion and voting was unanimous in favor.

Tom Smith resumed his position on the Commission.

3. Consider a lot line adjustment located at 698 Temple View Dr. and 1483 E. Barton Creek Lane, Jay Wiseman and Vance Cook, applicants.

Jay Wiseman, applicant, was present. Aric Jensen explained that the applicants are applying for a Lot Line Adjustment between their properties. Both properties are located in the R-3 single family residential zone.

The parcel to the north is not within an existing subdivision plat. At some point in the past the owner of the north parcel acquired a contiguous portion of lots 123 and 124 of the adjacent

Lakeview Terrace Subdivision. The proposed adjustment will transfer back to lots 123 and 124 part of their original area, plus a small portion of the current north parcel. The intent of the boundary adjustments are to establish property lines that follow the contours of the land.

No new lots are being created in this transfer so an amended subdivision plat is not necessary. The Commission will consider an amended subdivision plat for the adjoining Bountiful Bench Estates Subdivision, which will include combining the north parcel considered in this approval with the existing lot 8a of that subdivision.

Mr. Jensen presented a legal description of the area to be exchanged between the three parcels, with red line corrections that need to be made. There is no need to release or adjust any easements in conjunction with this approval.

Staff recommends approval of the lot line adjustment as submitted with the redline corrections.

Jay Wiseman explained that an existing wall follows the contours of the land but not the existing property lines.

Michael Allen made a motion to approve the lot line adjustment located at 698 Temple View Dr. and 1483 E. Barton Creek Lane as proposed. Beth Holbrook seconded the motion and voting was unanimous in favor.

4. Consider an amendment to Bountiful Bench Estates Subdivision, Jay Wiseman, Guy Haskell & Joel Brown, applicants

Jay Wiseman and Guy Haskell, applicants, were present. Paul Rowland explained that this proposed amendment to the Bountiful Bench subdivision involves four lots, including the two flag lots and the two adjacent lots located at the bend in Temple View Drive just southwest of the LDS Temple. Mr. Jay Wiseman purchased one of the flag lots (lot 8) and the lot directly east (lot 7), on which he built his own home. The other flag lot (lot 9) was purchased and built on by Guy Haskell, a local home builder, and the fourth lot involved in this amended plat (lot 10) was built on by Joel Brown. Shortly after moving into the area, Mr. Wiseman also purchased a large parcel of ground just west of his still vacant lot 8 which was going to be landlocked by the development of the Temple Hill Estates and Lakeview Terrace Plat A subdivisions.

Recently Mr. Wiseman has been looking into selling lot 8 along with the adjacent parcel. When a survey was done of the properties, it was discovered that his existing house on lot 7 was built too close to the property line. This is not a problem as long as Mr. Wiseman owns both lots, but if he sells off the flag lot, he no longer owns the proper side yard on the west side of his home. As a result of this discovery, Mr. Wiseman has worked out with his two neighbors to adjust the property lines so that the proper side yards are preserved if/when lot 8 is sold. When he sells the lots, he wants to sell the vacant parcel with it, and include it as one large property. While all of this is technically a lot line adjustment, it is being brought to the Planning Commission as an amended plat because it involves four lots and several modified easements.

Mr. Jensen gave a visual presentation showing the plat map and the revisions to the property lines in the stem portion of the flag lots, necessitated by the side yard problem, and it shows a lot line adjustment between lot 9 and the rear of lot 10. In addition it shows a modification to the line between lots 7 and 8 and several modifications to existing public utility easements to cover the water lines and fire hydrant serving lots 8 and 9. It also shows the vacant parcel combined with the existing lot 8 to make a larger lot 8A.

Mr. Rowland explained that the proposed modifications have been reviewed and they meet all of the applicable zoning requirements. This does not create any new lots, but brings all of the side yards into compliance and provides needed easements to cover the culinary water system. Since no improvements are being constructed, no construction bond or development agreement is required for this subdivision.

Staff recommends preliminary approval of the Bountiful Bench Estates Subdivision Plat A, Amended with the following conditions:

1. Any and all redlines be corrected.
2. Any and all fee be paid.
3. Submit a current title report.

There was a discussion regarding the legality of the flag lots and if all applicants are in agreement with the changes. The Commission was told that all applicants are in agreement and the flag lots are legal non-conforming uses.

Sean Monson made a motion to recommend to the City Council preliminary and final amended subdivision approval of Bountiful Bench Estates Plat A subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

5. Consider final site plan approval of Phase II of Aliwood Condominiums Multiple Family development.

Robert Gibson, applicant, was present. Aric Jensen explained that Mr. Gibson is requesting final site plan approval for PH 2 of the existing Aliwood Condominium development, soon to be renamed Stone Creek Village.

Preliminary approval was subject to the following conditions:

1. A land-use table for the entire project, showing the total amount of landscaping and hard surfacing, the total project acreage, the total project density, the total parking spaces provided, and the total parking required.
2. A preliminary landscape plan indicating the number of trees and shrubs required.

3. Colored elevations of the new units with the exterior materials and colors called out by manufacturer spec.
4. A new legal description of the single family residential lot.
5. Redline corrections on all plans, including additional demolitions on the single family residential property.

All of the conditions have been met, except that the demolition plan still doesn't show removal of the carport in front of the single family residence.

Mr. Jensen mentioned that the proposed color and material scheme doesn't match and/or complement the existing units in PH 1. The applicant will present an alternative color scheme to the Commission for its consideration.

Staff recommends final site plan approval for PH 2 of Aliwood Condominiums (Stone Creek Village), with the following conditions:

1. Correction of any redlines.
2. Submission of a color scheme that is complementary to the units in PH 1.

Robert Gibson presented a color board of the materials and colors that will be used on the exterior of the units. Mr. Gibson has selected colors that will tie into the colors of the existing units.

Mr. Mahan had some concerns with the undivided interest of the owners of Phase I with the common area. Phase II will also have partial interest in the common area of Phase I. Mr. Mahan would like to see the condominium declaration to decide if the residents of Phase I are required to sign the plat for Phase II.

Mr. Gibson explained that all the legal documents are being prepared which will include all common areas to be shared and the new monthly fees will be based on the square footage of their units.

Mr. Mahan asked that he be able to review the documents before final approval is granted.

There was a discussion regarding the colors and materials being used and the legal documents to be reviewed by the City Attorney.

Michael Allen made a motion to recommend to the City Council final site plan approval for Stone Creek Village subject to the conditions outlined by Staff with the following additional condition:

3. The condominium declarations be reviewed and approved by the City Attorney.

Sean Monson seconded the motion and voting was unanimous in favor.

6. Consider preliminary and final PUD plat approval for Stone Creek Village PUD (formerly Aliwood Condominiums) Phase I.

Robert Gibson, applicant, was present. Paul Rowland explained that the Aliwood Condominiums homeowners' association is requesting preliminary and final approval of the Stone Creek Village Planned Unit Development Phase I subdivision plat. The reason for the change is the same as all of the other condos to PUD conversions that have been done over the past few years -- no condominium financing available.

Staff recommends preliminary and final plat approval for the Aliwood Condo to Stone Creek Village PUD Phase 1 Conversion subdivision with the following conditions:

1. Submit a current title report.
2. Make any minor changes to the plat per red lines.
3. Pay all required fees.

Sean Monson made a motion to recommend to the City Council preliminary and final PUD plat approval for Stone Creek Village PUD subject to the conditions outlined by Staff with the following additional condition:

4. The condominium declarations be reviewed and approved by the City Attorney.

Beth Holbrook seconded the motion and voting was unanimous in favor.

7. Consider preliminary and final PUD plat approval for Stone Creek Village PUD (formerly Aliwood Condominiums) Phase II.

Mr. Gibson, applicant, was present. Paul Rowland explained that Mr. Gibson and the Aliwood condominium homeowners association are requesting final approval of the Stone Creek Village Planned Unit Development Phase 2 subdivision plat.

Stone Creek Village (formerly Aliwood Condominiums) phase 2 is a three unit addition to the existing 19 unit Stone Creek Village PUD. It is located on 0.322 acres of property at the northeast corner of the existing development. Previous reviews of the drainage, parking, landscaping, etc. shows the requested addition is in compliance with the existing zoning ordinance. Because this is new construction, rather than a conversion from an existing condo to a PUD, a bond and development agreement are required with this phase of the project.

Staff recommends preliminary and final approval of the Stone Creek Village PUD Phase 2 subdivision plat with the following conditions:

1. Pay all required fees and post a bond per the bond letter which will be prepared.
2. Submit a current title report.
3. Make any minor changes to the plat per red lines.
4. Sign a development agreement with the City.

Beth Holbrook made a motion to recommend to the City Council preliminary and final PUD plat approval for Stone Creek Village Phase 2 subject to the conditions outlined by Staff and with the following additional condition:

5. The condominium declarations be reviewed and approved by the City Attorney.

Sean Monson seconded the motion and voting was unanimous in favor.

8. PUBLIC HEARING – Consider a zone map amendment from Single Family Residential (R-4) to Single Family Residential Planned Development Overlay (R-4 PUD) located at 600 N. & 400 E., Gary Wright, applicant.

Gary Wright, applicant, was present. Aric Jensen gave a visual presentation as he explained that Mr. Wright is requesting a zone map amendment (rezone) from R-4 to R-4-PDO for 6.53 acres of land at approximately 600 North 400 East. Mr. Wright's intent is to develop 25 detached single-family dwellings along a private road that would commence at the intersection of 550 North and 400 East, and then run generally east and north, eventually connecting to 650 North through an existing residential lot that he has purchased.

The PDO (Planned Development Overlay) zone is a tool that allows a developer to modify the setbacks and other zoning requirements without increasing the base density or changing the use. The most recent use of the PDO zone was for the Autumn Woods development at the top of Highland Drive.

The most important issue facing the Planning Commission is that of pedestrian and vehicle circulation. Current City ordinance allows a maximum cul-de-sac length of 600', and the current Fire Code allows a maximum of 20 dwelling units on a single access. As proposed, the project would contain 25 dwelling units (3.8 per acre), and would be built along a double fronting private road approximately 850 ft long, running east/west. In order to meet the maximum cul-de-sac length and the Fire Code requirement for a second access, the applicant has purchased an existing single family home at 518 East 650 North. This home would be torn down and a spur off the main road would be built northward, providing a second road access.

The second road access is controversial in that it makes two existing interior lots into corner lots, and it terminates directly in front of an existing dwelling at 517 East 650 North. In reviewing the proposal and meeting with the developer, staff suggested that the main road be looped through the adjacent LDS Church property and connect with the stubbed portion of 600 East. The developer contacted the Church and received permission from Church headquarters, but was denied by the Stake President who is responsible for the disposition of local property. Staff repeatedly contacted the Stake President, Ralph Mabey, asking him to change his mind, but to no avail. Subsequent to Staff's initial conversations with Ralph Mabey, Jake Boyer, representing the local Young Single Adult Stake, became the agent Stake President, and therefore responsible for the property. At that time the developer requested permission from Mr. Boyer, but was also turned down.

Mr. Jensen explained that Bountiful City Ordinance section 14-20-301 (a) and (b) governs the configuration of roads within subdivisions. The Planning Commission is required by ordinance to review the pedestrian and vehicular circulation pattern and its effects on the immediately adjacent properties as well as the general vicinity. Mr. Jensen also explained the provisions of Bountiful City Ordinance section 14-2-306.

Staff presented an analysis of traffic circulation patterns and impacts based on the proposed layout, on an alternative layout that involves a cul-de-sac without a second road connection, and on another alternative layout that connects to the 600 East stub road. Mr. Jensen used the visual presentation to explain the impact of traffic. A significant portion of the adjacent Church property is currently encumbered by a 20' wide easement providing access to the adjacent West Bountiful City water tank from the 600 East stub road, and is therefore unbuildable except for a roadway that would preserve the access.

The City has estimated the number of vehicle trips per day that this development would generate and determined that it falls well below the minimum threshold necessary to require a traffic impact study. The main issue is not the number of vehicles, rather it is how the streets interconnect and provide circulation and therefore either increase or reduce vehicle impact.

The proposed use of the property for single-family dwellings is consistent with the existing R-4 zone and wouldn't change if the PDO is approved. The developer is proposing lots that are substantially narrower and that have a wider range of sizes than the lots in the adjoining subdivision to the north, which are fairly uniform in size and shape. The bigger issue is the design of the homes and their value in relation to the surrounding development. The proposed homes would most likely exceed the value of the existing homes in the surrounding developments, with the exception of Dr. Gold's custom home to the south.

Mr. Jensen explained that the request is to approve a Planned Development Overlay over the base R-4 zone. Such an approval would entitle the developer to a certain number of dwelling units and a general configuration, which would be finalized at a future date after undergoing preliminary and final subdivision plat review.

Staff recommends holding the public hearing, receiving public comments, and discuss the issues presented and as they may arise. Staff then recommends continuing the item until April 03, 2012, to allow adequate time to consider the public comments presented.

Gary Wright explained that when he purchased this property his intentions were to enhance the neighborhood, not to cause any detriment to anyone. Mr. Wright has contacted Hill & Argyle to help with the layout for the project. They have contacted the LDS Church to obtain permission to access onto 600 E., which has been stubbed into the Church property. The request was denied. As Mr. Jensen mentioned they have reviewed different configurations to fit the project. He has purchased the home at 518 E. 650 N. which will be torn down to allow for an access to 650 North. The proposed access is a legal access but he prefers to have an access from the Church property; but that is not possible at this time.

Mr. Wright explained that he is proposing a private development with the main entrance on 400 N. and that all roads are private and will be maintained. Every yard will have a 6 ft. vinyl fence enclosing the back yards for privacy and all front yards will be landscaped and maintained by the developer. This project is not a low cost development.

The public hearing was opened for all those with comments or concerns.

The following are the names and addresses of those present with their comments and concerns:

Michael Lamb, residing at 635 N. 600 E.
Tim Morley, residing at 504 E. 650 N.
Kyle Moriyama, residing at 535 E. 650 N.
Henry Ploeger, residing at 665 E. 400 N.
Dr. Glen Gold, residing at 444 N. 400 E.
Artin Swan, residing at 550 E. 650 N.
Janet Gold, residing at 444 N. 400 E.
James Hinkel, residing at 740 N. 550 E.
Andrea Peterson, residing at 517 E. 650 N.
Laina Arras, residing at 705 N. 550 E.
Mr. Lesueur, residing at 555 E. 400 N.
Ralph Wilcox, residing at 677 N. 500 E.
Ed Crapo, residing at 408 E. 775 N.
Joseph Culter, residing at 649 N. 500 E.

Their comments and concerns are as follows:

Having an HOA is creating a city within a city.
Residents bought their homes in this neighborhood for the quiet street (650 N.).
Residents disagree with removing the home at 518 E. 650 N.
Making a through street onto 650 N. will destroy the neighborhood.
Residents disagreed with the calculations of useable and nonuseable ground.
Residents prefer building 20 new homes rather than clustering 25 homes.
The lots will be too small and the homes too close together.
The development will increase traffic to the neighborhood.
Value of homes will decrease.
Residents would like the City to consider an alternative access or decrease the amount of homes.
Most of the residents do not oppose the development; they don't want the access onto 650 N.
The road should connect with the 600 East stubbed street.

Scott Argyle, Engineer, presented a layout of the project. He explained that the developer is required to pipe over the open areas of Dry Creek to prevent any flooding. The City has an ordinance that requires a cul-de-sac to be not more than 600 ft. and the fire codes require a second access for more than 20 homes. Having 20 homes would require the lots being 300 ft deep. When calculating the density for building, it is done by the gross acreage owned. It does not matter whether it is deemed useable or unusable. The configuration of the road is because of the West Bountiful water line and Stone Creek. Creating a PUD is the only efficient way to develop this property with the water line and two creeks running through the property. There will be more than required landscaping throughout the project. There will be a large common area and play area at the entrance of the complex.

Chairman Smith thanked all those present for their comments and explained that all their concerns will be considered before any decisions are made. The Planning Commission makes recommendations to the City Council and that body makes the final decisions.

Sean Monson made a motion to continue the public hearing until April 3, 2012. Michael Allen seconded the motion and voting was unanimous in favor.

9. PUBLIC HEARING – Discuss revisions to Title 14, Bountiful City Land Use Ordinance.

Russell Mahan explained that the public hearing has been continued for the revisions to the Bountiful City Land Use Ordinance. Mr. Mahan has been talking with Steve Johnson regarding allowing bees in the City. Currently the ordinance prohibits beekeeping. Like the ordinance to allow chickens, bees could also be allowed with appropriate regulations.

Steve Johnson explained that he would like to be allowed to have bees on his property. He would like the City to reconsider the ordinance to allow raising bees in Bountiful. When done properly, beekeeping is not a public nuisance. If properly maintained bees can be a benefit to the owner as well as the community.

Salt Lake City and other cities have amended their ordinances to allow beekeeping with certain regulations. Mr. Johnson asked the Commission to amend the city ordinance to allow bee keeping in Bountiful.

Tom Smith explained to Mr. Johnson that his comments will be considered. Mr. Smith asked Mr. Jensen to do some research regarding beekeeping and to bring the topic back to the Commission for consideration.

10. Planning Director's report and miscellaneous business.

Mr. Jensen had no further business to discuss.

Meeting adjourned at 9:40 p.m.